

# REGULATORY ASSIGNMENT CONTROL SHEET

LOG CONTROL NUMBER: 180 ANALYST  
ASSIGNED: INGALLS

ACTION: OT

TITLE: NEW SYSTEM OF RECORDS – IMPACT EVALUATION  
OF TITLE I SUPPLEMENTAL EDUCATIONAL SERVICES

RECEIVED: 9/23/2008

DATE ASSIGNED: 9/24/2008

DATE DUE: 10/7/2008

ANALYST SIGNATURE: See attached

COMPLETION DATE: 9/24/08

FINAL APPROVAL: Ameyk Arington DATE: 9-24-08

OMB NO: 1850-0858 Expires 8/31/2011

REG PART: OT

**REGULATIONS CLEARANCE SHEET  
OFFICE OF THE GENERAL COUNSEL  
DIVISION OF REGULATORY SERVICES (DRS)**

**DRAFT NO.:** 1

**DATE:** September 23, 2008

Please review the attached document, check the appropriate box below, sign, and return with your comments, if any, to Room 6C127 or E-mail your response and any comments to Elizabeth Warner and Elouise Ellerbe. **Your response is due by October 7, 2008.**

**Office of the Secretary**

- ☐ Ex. Sec., S. Stevens, 7C122
- ☐ Alycyn Keeling, 7W223
- cc: Holly Kuzmich

**Office of the Deputy Secretary**

- ☐ Andrew Dean, 7W316
- cc: Wendy Tada

**Office of the Under Secretary**

- ☐ Lindsey Langford 7E313
- cc: Archie Cubarrubia, 7E319

**Office of the General Counsel**

Assistant General Counsel(s)

- ☐ E. McFadden, 6E217
- ☐ S. Craig, 6E304
- ☐ S. Freid, 6E326
- ☐ T. Sasser, 6C107

Deputy Assistant General Counsel

- ☐ S. Higgins, 6C135

General Attorney

- ☐ R. Petracca
- ☐ J. Becker
- ☐ K. Rigling
- ☐ D. Friendly

**Elementary and Secondary Education**

- ☐ Lori Ahmady, 3E331
- ☐ Alexis O'Neill, 3W320

**Office of Management**

- ☐ Bruce Monblatt, 2W123
- cc: Naty Beetle, 2W131
- ☐ Dianne Novick, 9158 PCP
- ☐ Kim Rudolph, RIMS, 9154 PCP
- cc: IC Docketmgr, James Hyler, Angela Arrington, Kate Mullan

**Program Contact:** Audrey Pendleton

**CHECK ONE**

- ☐ Approved
- ☒ Approved subject to minor changes
- ☐ Not approved—see comments

**TYPE AND TITLE OF DOCUMENT:** Notice of a New System of Records: Impact Evaluation of Title I Supplemental Educational Services

**FILENAME:** SOR Notices/2008 SOR Notices/IES/Title I.../ED Review 9/23/08

**SIGNATURE:** \_\_\_\_\_ Katrina Ingalls \_\_\_\_\_ **DATE:** \_\_\_\_\_ September 24, 2008 \_\_\_\_\_

**COMMENTS:**

4000-01-U

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records -- Impact Evaluation  
of Title I Supplemental Educational Services

AGENCY: Institute of Education Sciences, Department of  
Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as  
amended (Privacy Act), the Department of Education  
(Department) publishes this notice of a new system of  
records entitled "Impact Evaluation of Title I Supplemental  
Educational Services." The National Center for Education  
Evaluation and Regional Assistance at the Department's  
Institute of Education Sciences (IES) commissioned this  
evaluation to study the effectiveness of Title I  
Supplemental Educational Services (SES) in improving  
students' reading and/or mathematics achievement.

The No Child Left Behind Act of 2001, Pub. L. 107-110,  
(NCLB) requires districts with Title I schools that fall  
short of state standards for three years or more to offer  
SES to their students from low-income families who attend  
these schools. SES are tutoring or other academic support  
services offered outside the regular school day by state-  
approved providers free of charge to eligible students.

Parents can choose the specific SES provider from among a list approved to serve their area. The Department of Education has contracted with Mathematica Policy Research, Inc. to evaluate the impact of SES on student achievement in up to nine school districts across the country.

The study will address the following questions:

(1) What is the impact of participation in Title I SES on student achievement in reading and mathematics?

(2) Are district characteristics and practices, SES provider characteristics and services, and student characteristics related to the impact on student achievement?

The evaluation will target school districts where Title I SES are oversubscribed. When more students apply for SES than the district is able to serve, decisions about which students will be served can be based on student achievement. The students who apply, but do not meet the achievement level criteria, are an unbiased comparison group for the students who do participate in SES.

The system will contain information about approximately 50,000 third- to eighth-graders across up to twelve school districts. The system of records will include personally identifying information about the

student applicants participating in the evaluation, including names; demographic information such as race, ethnicity, gender, age, and educational background; level of participation in SES programs; and scores on state reading and mathematics achievement tests.

DATES: The Department seeks comment on the new system of records described in this notice, in accordance with the requirements of the Privacy Act. We must receive your comments on the proposed routine uses for the system of records referenced in this notice on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on [DRS/OGC WILL INSERT DATE TRANSMITTAL LETTERS ARE SENT]. This system of records will become effective at the later date of -- (1) the expiration of the 40-day period for OMB review on [DRS/OGC INSERT DATE 40 DAYS AFTER THE DATE THE TRANSMITTAL LETTERS ARE SENT] or (2) [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE

FEDERAL REGISTER], unless the system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about the proposed routine uses to Dr. Ricky Takai, Director, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S.

Department of Education, 555 New Jersey Avenue, NW., room 502D, Washington, DC 20208-0001. Telephone: (202) 208-7083. If you prefer to send comments through the Internet, use the following address:

[comments@ed.gov](mailto:comments@ed.gov)

You must include the term "Impact Evaluation of Supplemental Educational Services" in the subject line of the electronic message.

During and after the comment period, you may inspect all comments about this notice at the U.S. Department of Education in room 502D, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we supply an appropriate aid, such as a reader or print magnifier, to an individual with a

disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

FOR FURTHER INFORMATION CONTACT: Dr. Ricky Takai.

Telephone: (202) 208-7083. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this paragraph.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The Privacy Act (5 U.S.C. 552a) requires the Department to publish in the Federal Register this notice of a new system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in part 5b of title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to information about individuals that contains individually identifying information and that is retrieved by a unique identifier

associated with each individual, such as a name or social security number. The information about each individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The Privacy Act requires each agency to publish a notice of a system of records in the Federal Register and to prepare and send a report to OMB whenever the agency publishes a new system of records. Each agency is also required to send copies of the report to the Chair of the Senate Committee on Homeland Security and Governmental Affairs and the Chair of the House Committee on Oversight and Government Reform. These reports are intended to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

#### Electronic Access to This Document

You may view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

[www.ed.gov/news/fedregister/index.html](http://www.ed.gov/news/fedregister/index.html)

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office



(GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

[www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html)

Dated:

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Grover Whitehurst,  
Director, Institute of Education  
Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education, publishes a notice of a new system of records to read as follows:

18-13-20

SYSTEM NAME:

Impact Evaluation of Supplemental Educational Services.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue, NW., room 502D, Washington, DC 20208-0001.

(2) Mathematica Policy Research, Inc., 600 Alexander Park, Princeton, NJ 08540-2393 and 955 Massachusetts Avenue, Suite 801, Cambridge, MA 02139-3226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on third- to eighth-grade students who are participating in an evaluation of the effectiveness of Title I Supplemental Educational Services (SES). Parents will apply to their school districts for their child to participate in SES. For students whose

parents apply for them to participate in SES, the districts will provide to the Department's contractor demographic data, data on student achievement, and will report on whether or not students were selected to participate in SES. SES Providers will provide information to the Department's contractor on the services provided to students.

The system will contain information about approximately 50,000 third- to eighth-graders. In up to nine school districts, approximately 50,000 students are expected to apply to participate in Title I SES provided by the district and private providers.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records will include personally identifying information about the student applicants participating in the evaluation, including names; demographic information such as race, ethnicity, gender, age, and educational background; for each student participating in SES, the name and characteristics of SES provider organizations such as type of provider (district, private for profit, non-profit, community-based organization), location (at student's school or not at student's school), delivery method (teacher, technology, distance learning), and delivery group size (one-on-one,

small group, large group); level of participation in SES programs; and scores on state reading and mathematics achievement tests.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The evaluation being conducted is authorized under section 1501 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB) (20 U.S.C. 6491), as well as sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563).

**PURPOSE(S):**

The information in this system is used for the following purpose: to study the effectiveness of Title I SES in improving students' reading and/or mathematics achievement.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer

matching requirements of the Privacy Act, under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting, and publication of data by IES.

Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department maintains records on CD-ROM, and the contractor (Mathematica Policy Research, Inc.) maintains data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system are indexed and retrieved by a number assigned to each individual that is cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the sites of the Department's contractor where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis, and controls individual users' ability to access and alter records within the system. The contractor will establish similar sets of procedures at its sites to ensure confidentiality of data. The contractor's system is required to ensure that information identifying individuals is in files physically separated from other research data. The contractor will maintain security of the complete set of all master data files and documentation. Access to individually identifying data will be strictly controlled. At each contractor site, all data will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry. Physical security of electronic data will also be

maintained. Security features that protect project data include: password-protected accounts that authorize users to use the contractor's systems but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractor employees who "maintain" (collect, maintain, use, or disseminate) data in this system shall comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

#### RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's Records Disposition Schedules (ED/RDS, Part 3, Item 2b and Part 3, Items 4b and 5a).

#### SYSTEM MANAGER AND ADDRESS:

Director, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502D, Washington, DC 20208.

#### NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the systems

manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

#### RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

#### CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

#### RECORD SOURCE CATEGORIES:

The system of records will include information collected from school districts on third- to eighth graders applying to participate in Title I SES and the SES provider organization for each student participating in SES. Data collected will include information about the student applicants participating in the evaluation, including names; demographic information such as race, ethnicity, gender, age, and educational background; for each student participating in SES, the name and characteristics of SES provider organizations such as type of provider (district, private for profit, non-profit, community-based



organization), location (at student's school or not at student's school), delivery method (teacher, technology, distance learning), and delivery group size (one-on-one, small group, large group); level of participation in SES programs; and scores on state reading and mathematics achievement tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PRIVACY ACT OF 1974  
REPORT OF A NEW SYSTEM OF RECORDS FOR  
THE U.S. DEPARTMENT OF EDUCATION  
Impact Evaluation of Title I  
Supplemental Educational Services (18-13-19)

RESPONSIBLE OFFICIAL

Dr. Ricky Takai, Director, Evaluation Division,  
National Center for Education Evaluation and Regional  
Assistance, Institute of Education Sciences, U.S.  
Department of Education, 555 New Jersey Avenue, NW., Room  
502D, Washington, DC 20208-0001. Telephone: (202) 208-  
7083.

PURPOSE AND BACKGROUND OF THE SYSTEM

The information in this system is used for the  
following purpose: To evaluate the effectiveness of Title  
I Supplemental Educational Services in improving the  
reading and mathematics achievement of students in Title I  
schools that have failed to make adequate yearly progress  
for three years. To comply with Appendix I of Office of  
Management and Budget (OMB) Circular No. A-130, the  
Department issues a report for every new system of records  
containing the following items: the purpose of the new  
system of records; the specific authority authorizing the  
new system of records; the probable or potential effect of  
the proposed new system of records on the privacy of

individuals whose records are maintained in the new system of records; the steps taken by the Department to minimize the risk of unauthorized access to the new system of records; and an analysis of the compatibility of each newly proposed routine use with the purposes for which information is collected in the new system of records.

#### SPECIFIC AUTHORITY AUTHORIZING THE SYSTEM OF RECORDS

The evaluation is authorized under section 1501 of Title I of the No Child Left Behind Act (20 U.S.C. 7908), as well as sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563).

#### PROBABLE OR POTENTIAL EFFECT OF THE PROPOSAL ON THE PRIVACY RIGHTS OF INDIVIDUALS

The Department of Education's (Department's) proposed collection of data will have minimal impact on the privacy of the subject individuals whose data will be collected. Individually identifying data will be accessible only to a limited number of Department and contracted research staff. Data analysis will be conducted using data that have been stripped of all individual identifiers (e.g., names), other than encrypted identifiers. Data and results that are reported or released will contain no individually identifying information.

STEPS TAKEN TO MINIMIZE THE RISK OF UNAUTHORIZED ACCESS TO  
THE SYSTEM OF RECORDS

All physical access to the Department's site and to the sites of the Department's contractor where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis, and controls individual users' ability to access and alter records within the system. The contractor will establish similar sets of procedures at their sites to ensure confidentiality of data. Their systems are required to ensure that information identifying individuals is in files physically separated from other research data. The contractor will maintain security of the complete set of all master data files and documentation. Access to individually identifying data will be strictly controlled. At each site all data will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry. Physical security of electronic data will also be maintained. Security features that protect project data include: password-protected accounts that authorize users

to use the contractor's systems but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractor employees who "maintain" (collect, maintain, use, or disseminate) data in this system shall comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

#### ROUTINE USE COMPATIBILITY

Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards, as required under 5 U.S.C. 552a(m) with respect to the records in the system.

In the course of administering its programs, the Department may enter into contracts with entities that will perform functions for these programs. This routine use is compatible with the purposes of the system to which it applies in that it permits entities with which the

Department contracts to receive the information needed to ensure that the program is administered in an efficient fashion.

#### OMB INFORMATION COLLECTION REQUIREMENTS

The information collection clearance package for this system was approved by OMB on August 21, 2008. The title of the package is "Feasibility and Conduct of an Impact Evaluation of Title I Supplemental Educational Services." The OMB number is 1850-0811. The notice for this package was published in the Federal Register on May 29, 2008 (73 FR 104, pages 30903-30904).

#### SUPPORTING DOCUMENTATION

1. Proposed System Notice. Advance copies of the proposed new system of records notice are attached.
2. Agency Rules. No change in agency regulations is required as a result of the establishment of this new system of records.
3. Exemptions Requested. No exemptions from the provisions of the Privacy Act are required.
4. Computer Matching Notice. There are no plans for computer matching with this system of records.

Honorable Susan E. Dudley  
Administrator, Office of Information and Regulatory Affairs  
Office of Management and Budget  
NEOB, Room 1002  
ATTN: Docket Library  
Washington, DC 20503

Dear Ms. Dudley:

In accordance with Public Law 93-579, the Privacy Act of 1974, as amended (5 U.S.C.552a(r)), the U.S. Department of Education is transmitting the original and two copies of a report of a new system of records for the Impact Evaluation of Title I Supplemental Educational Services, and a copy of the notice of the new system to be published in the Federal Register. This system does not duplicate any existing agency or government-wide system of records. Copies of the report and notice have been sent to the Chairs of both the House of Representatives Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs.

Any inquiries or comments regarding this system may be addressed to Dr. Ricky Takai, Director, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 502D, Washington, DC 20208. Dr. Takai can be reached at (202) 208-7083.

Sincerely,

Chris Marston  
Assistant Secretary

Enclosures

Honorable Joseph I. Lieberman  
Chairman, Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are two copies of a report of a new Privacy Act system of records for Impact Evaluation of Title I Supplemental Educational Services, and two copies of the notice of the new system to be published in the Federal Register. This system does not duplicate any existing agency or government-wide system of records. Copies of the document have been sent to the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget and the Chair of the House Committee on Oversight and Government Reform.

Any inquiries or comments regarding this system may be addressed to Dr. Ricky Takai, Director, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 502D, Washington, DC 20208. Dr. Takai can be reached at (202) 208-7083.

Sincerely,

Chris Marston  
Assistant Secretary

Enclosures



Honorable Henry A. Waxman  
Chairman, Committee on Oversight and Government Reform  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are two copies of a report of a new Privacy Act system of records for the Impact Evaluation of Title I Supplemental Educational Services, and two copies of the notice of the new system to be published in the Federal Register. This system does not duplicate any existing agency or government-wide system of records. Copies of the document have been sent to the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget and the Chair of the Senate Committee on Homeland Security and Governmental Affairs.

Any inquiries or comments regarding this system may be addressed to Dr. Ricky Takai, Director, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 502D, Washington, DC 20208. Dr. Takai can be reached at (202) 208-7083.

Sincerely,

Chris Marston  
Assistant Secretary

Enclosures

TO: Chris Marston  
Assistant Secretary for Management

THROUGH: Lee Eiden  
Director, Regulatory Information Management Services

FROM: Grover Whitehurst  
Director, Institute of Education Sciences

SUBJECT: Notice and Report of a New System of Records under the Privacy Act of 1974 – Impact Evaluation of Title I Supplemental Educational Services (SES)

#### ISSUE

Whether to publish in the Federal Register the attached notice of a new system of records entitled “Impact Evaluation of Title I Supplemental Educational Services” (Tab A) pursuant to the Privacy Act of 1974, as amended (Privacy Act), (5 U.S.C. 552a(e)(4) and (11)), and to transmit to Congress and the Office of Management and Budget (OMB) the attached report regarding that system of records (Tab B), which is also required by the Privacy Act, 5 U.S.C. 552a(r).

#### BACKGROUND

The Privacy Act applies to records about individuals maintained by an agency that contain individually identifying information from which information is retrieved by the name of the individual or by other unique identifiers associated with the individual. The Privacy Act (5 U.S.C. 552a(e) (4) and (11)) requires that the U.S. Department of Education (Department) publish in the Federal Register a notice of a new system of records. The notice must be published prior to the operation of the new system of records. Also, the notice must be published 30 days prior to any disclosures pursuant to the routine uses contained in the system of records. The notice provides information about the system name and location, the categories of individuals covered by the system, the categories of records in the system, the authority for and purposes of the system, and the disclosures that the Department can make pursuant to the specified routine uses. The notice further outlines how the records are stored, retrieved and disposed of; the security measures for the protection of the records; and the means of access to, and amendment of, the records.

The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences (IES) commissioned the Impact Evaluation of Title I Supplemental Educational Services. The study will be conducted under a contract that IES awarded in September 2007. The system will contain information about approximately 50,000 third- to eighth-grade students and up to 224 providers of supplemental educational services. The evaluation will target school districts where Title I Supplemental Education Services are oversubscribed. Across nine school districts, approximately 50,000 students will apply to participate in Title I Supplemental Educational Service provided by up to 225 district and private providers. The system of records will include personally identifying information about the students applicants participating in the evaluation, including names; demographic information such as race, ethnicity, gender, age, and educational background; level of participation in supplemental educational service programs; and scores on state reading and mathematics achievement tests. The system of records will also include personally identifying information about the providers of supplemental educational services participating in the evaluation, including names; demographic information such as race, ethnicity, and educational background; and teaching experience.

The Privacy Act (5 U.S.C. 552a(r)) mandates that the Department also prepare a report to Congress and OMB. OMB has 40 days to review the report. If OMB does not provide comments within 40 days, the Department may treat the failure to comment as approval. The report evaluates the probable effect that disclosure of information in this system of records will have on the privacy rights of the individuals involved. The report further outlines the purpose and background of the system of records, the specific authority for the system of records, the security measures to protect the records, and shows how the newly proposed routine uses are compatible with the purposes for which the information in the system was collected.

The attached Report of a New System of Records and Notice of a New System of Records provides a more detailed description of the purposes and uses of the Impact Evaluation of Title I Supplemental Educational Services.

#### COMMENTS BY PRINCIPAL OFFICES

Appropriate principal offices of the Department have reviewed this notice. The Office of the General Counsel has reviewed the system notice and accompanying report and has no legal objection to the publication of the notice or the transmission of the attached report to Congress and OMB.

#### RECOMMENDATION

We recommend approval of the publication of the notice and related actions. If you approve the publication of the notice in the Federal Register and the transmittal of the report to Congress and OMB, please sign the attached transmittal letters (Tab C) to

Congress and OMB. **Please do not date the transmittal letters.** If you do not approve transmittal, please advise of any alternative action that you wish to be taken and sign below.

Other/Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attachments

Tab A: Notice of a New System of Records

Tab B: Report of a New System of Records

Tab C: Transmittal Letters to Congress and OMB